

Applicant : David J. Pinsky et al.
Serial No.: 10/692,439
Filed : October 22, 2003
Page 4

REMARKS

The Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures states that the above-identified application must provide: 1) an initial computer readable form ("CRF") copy of the "Sequence Listing," 2) an initial paper or compact disc copy of the "Sequence Listing," as well as an amendment directing its entry into the application, 3) a statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing and, where applicable, includes no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d). The Notice also stated that if the applicant desired the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such a request in accordance with 37 C.F.R. 1.821(e) may be submitted in lieu of a new CRF.

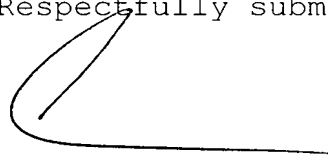
In response, applicants submit herewith (a) a replacement paper copy of the Sequence Listing, attached as **Exhibit B**, (b) a Request to Use the CRF From U.S. Serial No. 09/671,100, attached hereto as **Exhibit C** and (c) a Statement in Accordance with 37 C.F.R. §1.821(f), attached hereto as **Exhibit D**, certifying that the CRF and written sequence listing contain the same sequence information, and do not include new matter.

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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Alan J. Morrison
Reg. No. 37,399

5/5/07
Date

John P. White
Registration No. 28,678
Alan J. Morrison
Registration No. 37,399
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
Tel. No. (212) 278-0400



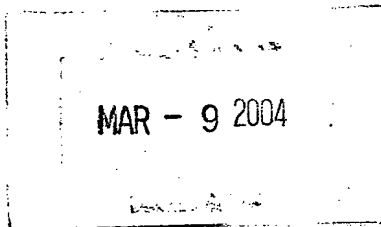
UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/692,439 ✓	10/22/2003	David J. Pinsky	0575/51917-CB-PCT-US/JPW/

John P. White, Esq.
 cooper & Dunham LLP
 1185 Avenue of the Americas
 New York, NY 10036



CONFIRMATION NO. 8415

FORMALITIES LETTER



OC000000012019376

Date Mailed: 03/05/2004

Inv. to Furnish SL: 5/5/2004
SL Ext: 6/5/2004
SL Ext: 7/5/2004
SL Ext: 8/5/2004
SL Ext: 9/5/2004
SL Deadline: 10/5/2004
sw

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

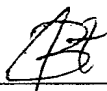
For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450

Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to be 'B' followed by a stylized flourish.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/692,439	10/22/2003	David J. Pinsky	0575/51917-CB-PCT-US/JPW/

John P. White, Esq.
 cooper & Dunham LLP
 1185 Avenue of the Americas
 New York, NY 10036



CONFIRMATION NO. 8415
 FORMALITIES LETTER



OC000000012019376

Date Mailed: 03/05/2004

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

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- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
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 P.O. Box 1450

Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature, possibly reading "G. H.", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Dkt. 51917-CB-PCT-US/JPW/AJM/AAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David J. Pinsky, et al.
U.S. Serial No.: 10/692,439
Filed : October 22, 2003
For : METHODS FOR TREATING ISCHEMIC DISORDER AND
IMPROVING STROKE OUTCOME

1185 Avenue of the Americas
New York, New York 10036
May 5, 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

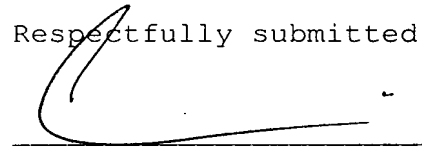
REQUEST TO USE CRF FROM U.S. SERIAL NO. 09/671,100

The sequence information contained in the written Sequence Listing (Exhibit B) submitted herewith is identical to that in the computer readable form filed in priority application U.S. Serial No. 09/671,100, filed January 29, 2003. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent

Applicants : David J. Pinsky, et al.
U.S. Serial No: 10/692,439
Filed : October 22, 2003
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and Trademark Office will make the necessary change in application number and filing date for the instant application.

Respectfully submitted,



John P. White
Registration No. 28,678
Alan J. Morrison
Registration No. 37,399
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
Tel. No. (212) 278-0400



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David J. Pinsky, et al.
U.S. Serial No.: 10/692,439
Filed : October 22, 2003
For : METHODS FOR TREATING ISCHEMIC DISORDER AND
IMPROVING STROKE OUTCOME

1185 Avenue of the Americas
New York, New York 10036
May 5, 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT IN ACCORDANCE WITH 37 C.F.R. §1.821(f)

In accordance with 37 C.F.R. §1.821(f), I hereby certify that the computer readable form containing the nucleic acid and/or amino acid sequences required by 37 C.F.R. §1.821(e) and submitted in connection with prior application 09/671,100 contains the same information as the written "Sequence Listing" submitted herewith, and includes no new matter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Arian A. Baryalai
c/o Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400



sequence listing from CRF
SEQUENCE LISTING

<110> Pinsky, David J
Stern, David
Schmidt, Ann M
Rose, Eric
Solomon, Robert A

<120> METHODS FOR TREATING ISCHEMIC DISORDER AND IMPROVING STROKE OUTCOME

<130> 0575/51917-CB-PCT-US

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sequence listing from CRF
amino acids other than aspartic acid and cysteine.

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